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Lawsuit Challenges Prop. 1E Ballot Label

By Andy Furillo

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Two prominent advocates on behalf of the mentally ill have filed a lawsuit challenging the ballot label on the May 19 special election measure that seeks to divert Proposition 63 money to balance the state budget.

A hearing is scheduled for Thursday in Sacramento Superior Court on the lawsuit filed by Rusty Selix, executive director of the Mental Health Association in California and the California Council of Community Mental Health Agencies, and Richard Van Horn, a member of Proposition 63's oversight commission.

Proposition 63 was the 1 percent millionaire's income tax enacted by California voters in 2004 to fund mental health services. The recent budget passed by the Legislature and signed by Gov. Arnold Schwarzenegger proposes to divert \$460 million from Proposition 63 funds to help balance the budget, according to the suit.

The lawsuit filed by Selix and Van Horn says that the ballot label on Proposition 1E, one of six special election measures placed on the ballot as part of the budget deal, is "false and misleading." It takes issue with wording in the title and summary that says the measure "ensures" and "guarantees" funding for mental health programs and does not clearly state that Proposition 1E would redirect the money the voters earmarked in 2004. Selix and Van Horn are asking Judge Michael P. Kenny to force the secretary of state's office to amend the ballot wording.